



Representative Jim Buck

24TH DISTRICT



2004 Legislative Report

Serving Clallam • Jefferson • and Grays Harbor counties

April 2004

Dear Friends,

The Legislature concluded its 60-day session on March 11 – a session notable both for its accomplishments and disappointments.


Approval of legislation cracking down on child molesters and rapists is high on our list of successes. Other achievements include passage of a replacement for the state's primary election system, renewed tax breaks for high-tech research and development, and a compromise supplemental budget requiring no new taxes and which leaves \$300 million in reserves.

On the downside of the legislative ledger, it was disappointing that there was no progress toward reining in soaring medical malpractice insurance costs – a growing crisis that many of us regard as one of the state's most critical public-policy issues. There were also missed opportunities to limit agency rule-making, and to moderate the state minimum wage by stopping automatic increases during periods of high unemployment.

This newsletter provides a summary of some of the issues we tackled this session, and provides information on how we can keep in touch during the interim. Even though the legislative session has concluded, I am always glad to hear from you, and welcome your ideas and opinions.

Thank you for the honor and privilege of serving you in Olympia.

Sincerely,


Jim Buck
State Representative

Rep. Buck's legislative homepage:

<http://hrc.leg.wa.gov/members/buck.htm>

Committees:

- Appropriations
- Fisheries, Ecology and Parks

Child Protection Act of 2004

A high point of the session was final passage of a Republican bill to make it tougher for child molesters and rapists to get treatment and lighter jail sentences (**SHB 2400**). All but declared dead at mid-session, the **Child Protection Act of 2004** took on new momentum after heavy pressure was exerted on majority Democrats in the House by organized and strongly motivated community activists.



The bill provides major revisions to the state's Special Sex Offender Sentencing Alternative law (SSOSA), which in the past has allowed offenders to serve only up to six months in jail and then enter state-supervised treatment in the community.

The measure reiterates the Legislature's support for existing life sentences for the "most serious" sex offenses under the state's determinate sentencing law. The measure also makes the following offenders ineligible for SSOSA:

- **Offenders who have an adult conviction for a violent offense in the last five years;**
- **Offenders who cause substantial bodily harm to the victim;**
- **Offenders who do not have an established relationship with the victim before the crime.**

The bill provides that the court must impose confinement up to one year, which is not subject to earned release, but may be served in partial confinement. A longer sentence may be imposed if there is an aggravating factor. Treatment of up to five years may also be imposed, and victims are given the opportunity to be heard regarding the offender's supervision and treatment.

The measure that won approval is a scaled-down version of what we originally proposed, but it's an important step toward ensuring that people who commit these repugnant crimes against children receive the punishment they deserve.



Coaches and teachers who prey

Spurred by a Seattle Times investigative report that revealed instances where school personnel who had been reprimanded or fired for sexual misconduct with female athletes had been able to move from district to district, the Legislature passed bills to protect students from predatory coaches and teachers.

Senate Bill 5533 requires school districts to share information with other districts about the sexual misconduct of current and former employees. The measure also prohibits school districts from entering into severance agreements with employees who conceal sexual-misconduct complaints.

Senate Bill 6171 makes it easier for the state to investigate complaints from parents about possible abuse. The measure sets a one-year deadline for the Office of the Superintendent of Public Instruction to conclude sexual-misconduct investigations of school employees. The Times reported the current average is two years.

Teachers and coaches hold positions of trust and admiration in our communities, and most educators comport themselves with caring professionalism around our kids. A coach or teacher who has hurt a child must not be allowed to continue working with kids. These bills will help weed those individuals out of the system and provide further assurances to parents and students that our classrooms and athletic programs are safe.

A new state primary

Developing a responsible solution to a bad situation was the challenge we faced in finding common ground on replacing the state's popular but unconstitutional blanket primary. The plan that passed the Legislature — the **Top 2** system — would allow voters to pick their favorite candidate for each office regardless of party affiliation. The top two vote-getters — potentially from the same party — would advance to the November ballot. The bill included a “fallback” provision a **Montana-style primary** — requiring that a voter mark only one party's ballot, but ballot choice would be kept private



For nearly 70 years independent-minded Washingtonians have been able to pick candidates from all political parties in primary elections. It was not an ideal solution, but it came closest to preserving the most cherished elements of the blanket primary: allowing voters to keep party affiliation private while ensuring maximum choice

On April 1, Gov. Locke vetoed the “Top 2” part of the bill, and the backup Montana Plan will be in place beginning this fall. The choice of parties remains confidential and no party registration will be required.

Legislature misses chance to pass meaningful lawsuit reform

Tort reform took center stage in mid-February, but rather than adopting solutions to stop out-of-control jury awards, the majority party pushed through the House a cluster of bills that fell short of meaningful reform.



Making limited changes around the edges of the problem will not work. The better approach was a comprehensive Senate bill comprising proposals that have helped solve the problem in other states. In the end, however, the measure died in the House for a second consecutive year.

With insurers abandoning whole business sectors and doctors scaling back their practices, retiring early, or leaving Washington to practice in other states, tort reform has taken on an air of emergency. Jury awards for pain and suffering can be staggering, and are driving malpractice insurance costs through the roof.

The Senate bill dealt not only with malpractice changes, but also proposed new limits on who could sue whom and for what. A key element of the measure would set a \$350,000 cap on damages for pain and suffering, but would not limit economic damages. A similar limit was adopted in California in 1975. Since then growth in malpractice insurance costs has slowed dramatically.

We do not want to close the door for injured patients, or those who are maimed, disabled or killed by bad doctors. But to achieve real medical liability reform, we need to focus on restoring balance to a system strained by big settlements and juries looking to assign blame.

Supplemental budget

As one of its final actions before adjournment, the Legislature approved a compromise supplemental budget. Although it increases spending by \$145 million, the proposal requires no new taxes and leaves over \$300 million in reserves — a significant improvement over the original House Democrat budget, which left a reserve balance of less than 1 percent to cover emergencies and unforeseen expenses.

Included in the budget are new higher education enrollment slots for high-demand fields, a 1 percent pay increase for classified public school employees, and almost \$13 million in new spending on nursing homes and the state's contract with home health-care workers created by House Bill 1777 and Initiative 775.

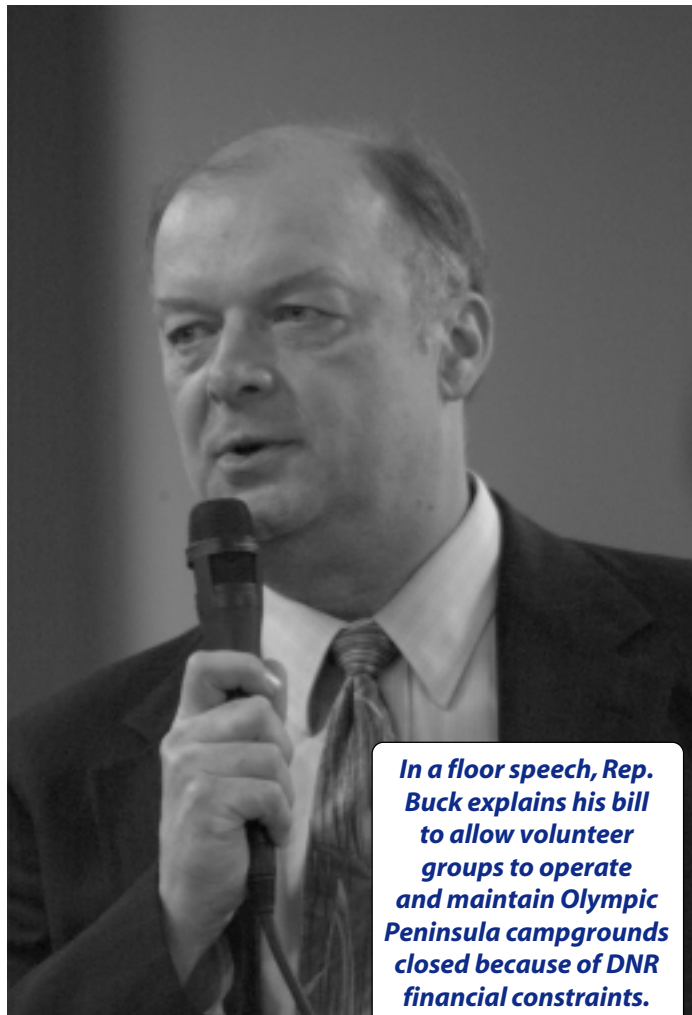
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Economic development

One of the session's first accomplishments was passage of **House Bill 2546**, the high-tech tax incentive measure. It renews a set of tax credits associated with research and development or pilot-scale manufacturing in high-technology industries. Hundreds of small high-tech firms have benefited from the tax credits and exemptions, which also are vital for supporting industries designated as "targets" like advanced computing, semiconductors and biotechnology. The incentives would have expired this year without legislative action.

Another employer-oriented bill was **House Bill 2460**, which was brought back to life just before the final gavel fell. House Republicans want employers who are faced with dropping their health plan completely, or asking their employees to pay higher premiums, to have the choice of shopping for a simpler, more affordable plan. We also want to give small employers who can't afford to offer coverage a greater level of access to plans that might be within their price range. The compromise version of HB 2460 isn't as helpful as we would like, but it's a step in the right direction.



In a floor speech, Rep. Buck explains his bill to allow volunteer groups to operate and maintain Olympic Peninsula campgrounds closed because of DNR financial constraints.

Charter schools, WASL improvements win final approval



After a decade of effort, the Legislature approved a bill authorizing 45 charter schools to be created statewide, either through the creation of new schools or the conversion of existing public schools. Funded with public money, the small, independent schools would be free to decide how and what to teach, but held to the same standards of achievement and accountability. The decision to enroll a student in a charter school rests solely with the parent or guardian.

The idea is to foster innovative and creative teaching by offering students more options, personal attention, second chances, smaller class sizes, and a focus on particular subjects.

A major factor in my decision to support **HB 2295** was its assurance of local control. The measure stipulates that the discretion to convert an existing school or create a new charter school rests with local school boards, unless the school has been failing for five years or more, in which case the Superintendent of Public Instruction could force a school to convert.

WASL changes

House Bill 2195 allows students as many as five chances to pass the Washington Assessment of Student Learning. The bill provides up to four retakes and directs the Superintendent of Public Instruction to devise alternatives for students who fail the exam.

A similar measure was passed twice by the House in 2003, but until this year, the Senate and House couldn't reach agreement.

Election-year restrictions

As your state representative, I make every effort to keep you informed of what is happening in Olympia. However, this is an election year, and under the provisions of Initiative 134, I can only send two in-district mailings – this newsletter being the second of the two allowed in 2004.

The initiative **does permit** me to respond to your direct requests for information, and I encourage you to write or call me whenever you have a question or a comment to share on legislation or other matters.



Rep. Jim Buck • Serving the 24th District

Reopening Peninsula trailhead, campgrounds

On March 24, the governor signed a bill I sponsored to get the Little River Trailhead and five Olympic Peninsula campgrounds reopened in time for summer recreational use. **House Bill 2454** allows the state Department of Natural Resources to solicit and receive financial contributions and use volunteer groups to operate and maintain campgrounds that were closed because of the department's financial constraints.



The "**Adopt-A-Campground**" idea originated with a constituent who owns and operates a small store near the Minnie Peterson Campground. But credit Peninsula Boy Scout executive Bob Schilling with the suggestion that Scouts might take on the role of long-term camp stewards, and perhaps earn merit badges for their work at the facilities.

It wasn't long before other troop leaders got involved in the discussions, and every campground has been spoken for by a troop willing to make the financial and time commitment to be stewards of the facilities. It's an idea that we hope will spread to other parts of the state.

In addition to the Little River Trailhead, Scout troops have stepped forward to care for the Bear Creek, Hoh Oxbow, Lyre River, Minnie Peterson, and Willoughby Creek campgrounds.

**Making
Your Voice
Heard in
Olympia!**

Representative
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Serving the
24th District

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